City of Leola Council Meeting

June 7, 2021

The meeting was called to order at 7:02 pm by Mayor Royce Erdmann. Present council members: Jackie Leibel, Jackie Rau, Michael Yost, Richard Reis, Alan Wimer and Brett Schaible. City personnel present: Jim Hoffman and Sondra Waltman.

Yost moved with a second from Reis to approve the meeting minutes. All in favor, motion carried.

Wimer moved with a second from Reis to approve the treasurer’s report. All in favor, motion carried.

When reviewing the bills, it was noted that Auto-Owners Insurance was approved last month for $702.69 but the paid in full discount was $625.35, which was submitted to the company. Reis moved with a second from Wimer to approve the regular bills. All in favor, motion carried. After discussion on the bills from the water project, Rau moved to approve the project bills with a second from Reis. All in favor, motion carried.

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| **Bills to be Considered for June 2021** |
|   |   |   |
| Agtegra | Supplies/Repairs |  $ 52.71  |
| Aramark | Office Services/Supplies |  $ 127.64  |
| Auto-Owners Ins | Insurance |  $ 625.35  |
| Code Enforcement Specialists | Services through 5/31/21 |  $ 351.20  |
| Corporate Trust/US Bank | 2nd Quarterly Pmt - Water Project |  $ -  |
| CorTrust Visa | Water postage/Payroll Fees |  $ 55.21  |
| Dependable Sanitation | Garbage Collection |  $ 1,600.04  |
| Gene's Oil Company | Gas & Diesel |  $ 360.20  |
| Ipswich Lumber | Paint/planks/toilet for pool |  $ 1,219.91  |
| J Gross Equipment | Mower repairs (blades, belts) |  $ 251.26  |
| Leola Library | Books/DVDs |  $ 53.22  |
| McPherson Co. Herald | Ads/Proceedings |  $ 194.92  |
| Montana Dakota Utilities | Utilities |  $ 2,214.66  |
| Pam Walz | Books |  $ 187.12  |
| Pam Walz | Mileage |  $ 33.60  |
| ReadiTech | Tech Support |  $ 162.70  |
| Rural Development | 110th Payment for Sewer |  $ 4,021.00  |
| SD Health Lab | Water testing |  $ 183.00  |
| SD One Call | Q2 2021 Services |  $ 3.15  |
| SDARWS | JT - Training Expo fee (April) |  $ 25.00  |
| Troy Tschappat | Replaced lights in Citizen Bldg |  $ 144.00  |
| Valley | Telephone, Fax, Internet |  $ 393.65  |
| WEB Water | Water for May |  $ 9,488.70  |
| Payroll | Finance Office |  $ 3,555.00  |
| Payroll | Government Buildings |  $ 864.50  |
| Payroll | Library |  $ 803.35  |
| Payroll | Mayor/Council |  $ 18.90  |
| Payroll | Water |  $ 2,916.66  |
| Payroll | Parks |  $ 2,500.00  |
| Paryoll | Zoning |  $ -  |
| Payroll | SD Health Pool - June |  $ 1,475.84  |
| Payroll | SS, Med, W/H, SDRS with Matches |  $ 1,385.35  |
|   | Total |  $ 35,267.84  |
|   |   |   |
| **Bills for Water Project** |   |   |
| Helm's & Associates | PROJECT CONTINGENCY FUNDS |  $ 6,165.35  |
| Dahme Construction | PROJECT CONTINGENCY FUNDS |  $ 40,314.04  |
|   | Total |  $ 46,479.39  |

Dana Leibel joined the meeting at 7:18 pm.

Jeff & Shawna Huber submitted a letter in lieu of attending the meeting requesting a special exception from city council to allow the licensing of three dogs, as two are older and most of the time not all three dogs are present at the residence.  Wimer moved to allow the licensing of the additional dog, with the understanding that another dog cannot be obtained if something happens to any one of the three dogs. City Ordinance 7-6-7 states that there can only be two dogs per household. Schaible seconded the motion.  Motion carried by majority vote, 4 to 2.

McPherson County Deputy Sheriff Austin Roknian and McPherson County Deputy Sheriff Allie Hilgemann joined the meeting and delivered the monthly county law report. With no questions from the council, they were thanked for their time and services, and departed the meeting.

WATER PROJECT: Further discussion was held on services rendered by Helms and Associates and Dahme Construction. Concerns expressed about the seeding of grass done last year and what remains to be seeded. Council concluded it was more important to seed the grass correctly to get an established stand instead of rushing and planting in unfavorable conditions. Due to this, some seeding may take place later in the year. Residents are reminded to water the grass to help it grow.

Denise Brandner, Alicia Bauley and Cole Tanner joined the meeting at 7:40 pm to represent the Leola Development Corporation and discuss the upcoming Rhubarb Festival. They reviewed which roads they would like blocked off and the possibility of overflow garbage if their cans are not able to contain it. Schaible moved with a second from Wimer to approve the road barricades and to permit the overflow of garbage into the city’s container. All in favor, motion carried. Brandner, Bauley and Tanner left the meeting following the Rhubarb Festival discussion.

OLD BUSINESS:

Pool – The liner project is underway and depending on the weather may even conclude this week. Due to having no lifeguard or manager applicants, options for trying to get the pool opened were discussed. A minimum of two certified lifeguards are required, but more are desired. The certification classes have ended, but Reis will inquire about a special training class, requirements, etc. Wimer moved with a second from Reis to set wages for lifeguards at $10-12 per hour DOE and the manager at $12-14 per hour DOE, with a $300 bonus after faithfully working through the pool season. Wages are negotiable. All in favor, motion carried.

Golf Carts – South Dakota State Statute 32-14-14 was read at the meeting. It is as follows:

[**32-14-14**](https://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=32-14-14)**. Ordinance permitting golf carts on highway within platted boundaries--Requirements--Permit--Fee.**

Notwithstanding § [32-14-15](https://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=32-14-15), any municipality or township with an unincorporated town may adopt, by ordinance, traffic regulations permitting the use of golf carts on a highway within its platted boundaries. The ordinance shall require that the golf cart is insured and the person operating the golf cart in the municipality or unincorporated town to hold a driver license and to obtain a permit from the authority having jurisdiction. The municipality or township may charge a fee for the permit. The ordinance may also require the golf cart to display a slow-moving vehicle emblem in accordance with § [32-15-20](https://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=32-15-20) or a white or amber warning light in accordance § [32-17-46](https://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=32-17-46).

**Source:** SL 2010, ch 164, § 2; SL 2014, ch 48, § 20; SL 2017, ch 138, § 1.

City Spraying – Following last month’s spraying topics, Wimer moved with a second from Rau to go with Cameron Lux’s spraying services. All in favor, motion carried.

State Surplus/Vehicles – A reasonable vehicle is still being searched for.

NEW BUSINESS:

Aramark – A quote was submitted to the city for full paper/product services from Aramark. If the dispensers are provided with the services at no additional expense, Reis moved with a second from Schaible to commit to Aramark once our current supplies are depleted. All in favor, motion carried.

Nuisance Properties – Tall lawns have been posted and will continue to be as needed. A reminder the city ordinance states lawns cannot exceed 6 inches in height.

Ordinance 2021-01 (Medical Cannabis) – Yost moved to introduce Ordinance 2021-02 with second from Reis. All in favor, motion carried. Ordinance 2021-02 is as follows:

**ORDINANCE NO. 2021-02**

**A TEMPORARY ORDINANCE REGARDING THE ISSUANCE OF LOCAL MEDICAL CANNABIS ESTABLISHMENT PERMITS AND/OR LICENSES.**

WHEREAS, a local government may enact an ordinance not in conflict with SDCL Chapter 34-20G, governing the time, place, manner, and number of medical cannabis establishments in the locality. A local government may establish civil penalties for violation of an ordinance governing the time, place, and manner of a medical cannabis establishment that may operate in the locality. A local government may require a medical cannabis establishment to obtain a local license, zoning permit, or registration to operate, and may charge a reasonable fee for the local license, zoning permit, or registration.

WHEREAS, the Municipality of Leola, South Dakota (“Municipality”), makes a preliminary finding that the Municipality’s current regulations and controls may not adequately address the unique needs and impacts of medical cannabis establishments as defined in SDCL 34-20G-1;

WHEREAS, medical cannabis state laws under SDCL 34-20G are effective July 1, 2021. The South Dakota Department of Health shall promulgate rules pursuant to chapter 1-26 not later than October 29, 2021, as defined by SDCL 34-20G-72. During the time between July 1, 2021 and potentially as late as October 29, 2021, local units of government will not yet know standards for medical cannabis and will not be able to adequately assess the local zoning and licensing requirements necessary to approve local permits and to better ensure applicants have a more predictable permitting process and avoid stranded investments.

WHEREAS, the Municipality makes a preliminary finding that the Municipality needs further study of the relationship of medical cannabis establishments to the City of Leola Comprehensive Plan and Zoning Ordinance. The public interest requires that the Municipality study, analyze, and evaluate the impacts of medical cannabis establishments and to fully explore the impacts of any proposed regulations regarding medical cannabis establishments;

WHEREAS, the Municipality makes a preliminary finding that it would be inappropriate for the Municipality to issue a local permit or license to a medical cannabis establishment prior to the South Dakota Department of Health’s promulgation of regulations governing the same;

WHEREAS, the Municipality hereby exercises its authority under SDCL 11-4-3.1 and/or SDCL 9-19-13, to establish a temporary ordinance regarding the issuance of any local permits/licenses for medical cannabis establishments within the Municipality;

WHEREAS, a temporary ordinance will ensure that more comprehensive zoning ordinance and building permit changes, licensing permits, and any proposed amendments to the Municipality’s Comprehensive Plan can be completely examined with adequate public input from citizens, business interests, and medical cannabis industry representatives;

 WHEREAS, the Municipality finds that a temporary ordinance is reasonable to preserve the status quo and prevent significant investment pending the outcome of the above study and any proposed regulations emanating therefrom;

WHEREAS, the Municipality finds that the following ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace and support of the municipal government and its existing public institutions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF LEOLA***,*** OF LEOLA, SOUTH DAKOTA:

Section 1. Temporary Ordinance – Application for Local Permit/License

A medical cannabis establishment desiring to operate in the Municipality shall be required to apply for a permit and/or license from the Municipality. Applications for a local permit and/or license to operate a medical cannabis establishment, as defined by SDCL 34-20G-1, shall not be accepted until the South Dakota Department of Health has promulgated regulations as required by SDCL 30-20G-72. Any application received prior to such regulations being promulgated shall be denied.

Section 2. Immediate Effect*.*

This ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace, and support of the municipal government and its existing public institutions pursuant to SDCL 11-4-3.1 and SDCL 9-19-13.

Date adopted: June 7, 2021

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Mayor, City of Leola ATTEST: Finance Officer, City of Leola

NOTICE OF ADOPTION

ORDINANCE No. 2021-02 A TEMPORARY ORDINANCE REGARDING THE ISSUANCE OF LOCAL MEDICAL CANNABIS ESTABLISHMENT PERMITS AND/OR LICENSES

NOTICE is hereby given that Ordinance No. 2021-02 being a temporary ordinance regarding the issuance of local medical cannabis establishment permits and/or licenses, was duly adopted by the City of Leola on the 7th day of June, 2021, and that such Ordinance shall be effective immediately upon adoption.

Dated this 7th day of June, 2021.

Camping – Due to the recent activity at the campgrounds, discussion was held if additional water/sewer hookups should be added. Schaible moved with a second from Wimer to inquire about water options with the county with no action at this time. All in favor, motion carried.

Grass Clippings – A reminder to residents that it is unlawful to blow grass clippings into the roadway per Ordinance 6-9-1. Council requested a reminder be placed in the paper as well. Failure to abide by any city ordinance will result in a fine. Schaible moved with a second from Wimer to set the fines. A first offense will be a $100 fine and any subsequent offenses will be $200. All in favor, motion carried.

School – Dana Leibel came to speak to the council as a school representative. He requested a streetlight be place by MDU by the fitness center entrance, as wiring is already in place. Wimer moved with a second from Reis to approve. All in favor, motion carried. Leibel stated the school is planning on doing landscaping and had concerns about water drainage from the street. The council is aware of the drainage issues; however, current infrastructural improvements (water and sewer projects) have committed funding for the near future. Following discussion, Dana Leibel left the meeting.

Pool Trees – There was report of 2-3 dead trees by the pool. Wimer moved with a second from Schaible to pull out said trees and fill in the holes prior to Friday, June 11. All in favor, motion carried.

Complaint Forms –Complaint forms were shared with the council.

COMMITTEE REPORTS:

Street, Alley & Restricted Use Site – There are two alley culverts that need to be replaced due to collapsed ends and holes in them. Potholes were filled in prior to Dahme Construction coming to prep the roads for chip sealing. Waltman will call MDU again regarding trees in powerlines. Discussion was held about sorting materials at the RUS.

Water & Sewer – Reis moved with a second from Wimer to accept the offer from the City of Pierpont regarding the sale of 5 fire hydrants at $125 each and one 4” valve at $125. All in favor, motion carried. Schaible moved with a second from Wimer to set the price at $125 for future sales. All in favor, motion carried. When water issues arise, whether that is a leak, break, etc., the city is responsible for areas from the street to the curb stop. Anything after the curb stop is the owner’s responsibility.

Park, Recreation & Pool – The four-seat teeter-totter on the west side of the park near the pool is broken. Maintenance was instructed to repair if possible, and if not possible to remove it all together. It was also noted to rake/pull out the dead weeds near the play areas. The pool fence on the east side needs to be completely secured.

Building & Equipment – There is a tree growing near the Medical Building/sidewalk that needs to be removed. The retractable gutters need to be installed on the Citizen’s Building. A workday will be scheduled for mayor/council/employees to clean out the city shop and sort through equipment.

Code Enforcement, Law Enforcement & Library Report – Reports were reviewed. Council was asked to review their own wards regarding code enforcement concerns.

Zoning – Issued building permits were reviewed.

PUBLIC COMMENTS: Rau moved with a second from Yost to designate Lundquist Dam as an area to discharge aerial fireworks pending any burn bans imposed by the county. If there is a burn ban in effect, there will be no fireworks permitted in town or at the Lundquist Dam. All in favor, motion carried.

UPCOMING MEETINGS: The next regular council meeting with be held on Monday, July 12 at 7 pm due to Independence Day being observed on July 5th. Finance Officer school is in Pierre June 9-12. There is a budget training in Sioux Falls on July 7th. There is an elected officials meeting in Pierre on July 14th. A worknight is scheduled for Monday, June 14th at 6:30 pm at the city shop.

CORRESPONDENCE: The auditors from Cahill & Bauer will be at the city office June 14 and June 16. Lindley Howard, McPherson County Auditor shared the estimated maximum property taxes for 2022 which is $266,725.30 and that includes allowable growth, CPI and a $30,000 opt out. These values are projected and subject to change.

EXECUTIVE SESSION: At 10:34 pm Schaible moved with a second from Leibel to go into executive session for personnel discussion per SDCL 1-25-2. All in favor, motion carried. Executive session ended at 10:46 pm with no action taken.

At 10:50 pm, Rau moved with a second from Wimer to adjourn. All in favor, motion carried.

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ATTEST: Royce Erdmann, Mayor

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Sondra Waltman, Finance Officer

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